

REMARKS/ARGUMENT**Regarding the Claims in General:**

Claims 1-12 and 21 remain pending. Claim 1 has been amended to address issues raised in the outstanding Office Action. The other claims remain unchanged. As amended, claim 1 recites more explicitly what was already at least implicit in the claim as previously presented, and therefore it has not be narrowed for statutory purposes related to patentability.

Regarding the Prior Art Rejections:

In the outstanding Office Action, claim 1 was again rejected as anticipated by Kropf et al. U.S. Patent 5,941,150 (Kropf). Claims 1 and 21 were rejected as unpatentable over Price et al. U.S. Patent 2,657,926 (Price), and also as unpatentable over Price in view of newly cited Oakes U. S. Patent 5,079,980 (Oakes). In addition, dependent claims 2-12 were rejected as unpatentable over Price in view of Oakes and several other secondary references. Applicants respectfully request reconsideration of these rejections in view of the amendments herein.

Claim 1 is not anticipated by Kropf, as asserted by the Examiner. Preliminarily, the Examiner's attention is respectfully directed to his Summary of the personal interview held July 28, 2005. At the interview, a proposed amendment to claim 1 was presented by applicants' representative, and the Examiner agreed that such an amendment would overcome the outstanding rejections under 35 U.S.C. 102 based on the Price and Kropf patents. Claim 1 was amended accordingly by the Supplemental Amendment dated August 2, 2005.

It is noted that the rejection under 35 U.S.C. 102 based on Price has been withdrawn, but the rejection based on Kropf has been adhered to.

So far as may be determined, the wording of the outstanding rejection is completely identical to that in the final rejection mailed June 3, 2005. Nothing new has been said by the Examiner in the present Office Action, and it is not understood why this rejection has been repeated, without even the courtesy of an explanation.

Substantively, the Examiner's attention is further respectfully directed to the comments in applicants' July 19, 2005 response to the final rejection. (In the interest of brevity, these comments have not been repeated.)

It is still applicants' position that claim 1 as amended by the Supplemental Response overcomes the rejection based on Kropf, but in an effort to advance the prosecution, particularly in view of the new rejections based on Oakes, claim 1 has been amended hereby to further emphasize features of this invention which distinguish it from all the cited references.

Specifically, claim 1 now recites:

a film holder between the linear feeding device and the trimming device on the in-feed side of the trimming device that is operable between a first position wherein a gap is provided for the film to pass through during feeding to the trimming device, and a second position wherein the gap is closed so that the film is clamped *by the film holder* between the feeding device and the trimming device during the time the film is being severed by the trimming device *substantially along a line on which the film is being severed*.

This feature, i.e., holding the film while it is being cut by clamping it along the cutting line, is not disclosed, taught or suggested in Kropf. For one thing, as previously explained, Kropf's tape is not clamped during the time it is being cut. The Examiner continues to identify Kropf's film holder with the bottom section of the arm 65 and the left hand side of the trimming device 53, 55. Fig. 4 of Kropf shows the tape at the time it is being cut, and it is clear that there is a gap between arms 63 and 65 at the time the cut is made. Only after the tape is cut, and body 33 rides completely up onto cam member does the gap close, as shown in Fig. 5.

Moreover, if the film holder is comprised by the bottom section of the arm 65 and the left hand side of the trimming device 53, 55 as asserted by the Examiner, it is not on the in-feed side of the trimming device as required by claim 1. Instead, it is on the out-feed side.

Finally, as amended, claim 1 requires that the film be held along the cutting line. Again, assuming the film holder is comprised by the bottom section of the arm 65 and the left hand side of the trimming device 53, 55 as asserted by the Examiner, this requirement of claim 1 is also not met. There is obviously a gap in the feed direction between the pinch-point of trimming parts 53 and 55 and the pinch-point between arms 63 and 65.

Claims 1 and 21 are not obvious over Price, as asserted by the Examiner. Again, it is noted preliminarily that the Examiner seems to reversed himself with respect to his statement in the Interview Summary, wherein he acknowledged that the amendment discussed in the interview, and as made by the Supplemental Response, would avoid the strained interpretation that Price's film holder 70 is "between the feeding device 20 and the cutting device 52". As in the case of the continuing rejection of claim 1 as anticipated by Kropf, it is not understood why the Examiner would reverse himself without even the courtesy of an explanation.

Even apart from this, it is clear the Examiner has failed to demonstrate any reasonable motivation for modifying the Price structure to locate the film holder 70 on the in-feed side of the cutter. His motivation appears to be that it would function the same on either side, but that is hardly motivation for one skilled in the art to completely redesign Price's machine. If moving the holder to the other side doesn't make any difference, why would anyone bother to do it?

Of equal importance, even if Price is redesigned to locate film holder 70 on the in-feed side of the cutter, there would still be no disclosure, teaching or suggestion in the reference for Prices's tape to be clamped "... substantially along a line on which the [it] is being severed ..." as now required by claims 1 and 21. As illustrated in Fig. 1 of Price, finger 70 is spaced in the feed direction from the line on which the tape is being severed by at least the thickness of one side of the blade holder. There is certainly no suggestion or motivation in Price for modifying the structure both to move finger 70 to the in-feed side of blade 52, and also to redesign the holder for blade 52 to eliminate the space between the blade and finger 70.

Nor does Oakes remedy the deficiencies in Price. Again, the Examiner cites as motivation for locating the tape holder on the in-feed side of the cutter as in Oakes, his belief that it would function the same in either position. However, the fatal flaw in this is the same as that noted above: if moving the tape holder does not yield any benefit, there would be no reason to go to the trouble of redesigning Price for the purpose of moving it.

Moreover, even if Price is redesigned to locate finger 70 on the opposite side of the cutter as in Oakes, it still does not clamp the tape along the cutting line. As may clearly be seen from Fig. 4 of Oakes, for example, holder 133 is spaced from cutter 164. There is simply no disclosure,

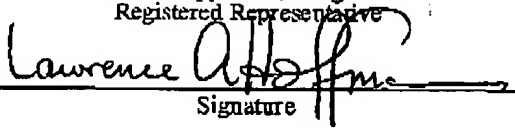
teaching or suggestion in Price or Oakes to support the tape at the cutting line, let alone a motivation to modify the design of Price to do so.

Claims 2-12 are directly or indirectly dependent on allowable claim 8, and are therefore also allowable for the reasons stated above. In addition, these claim recite features which, in combination with the features of their respective parent claims are neither taught nor suggested in Kropf, Price, Oakes, or in any of the other secondary references.

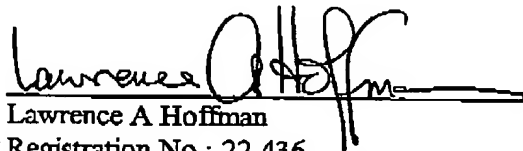
In view of the foregoing, favorable reconsideration and allowance of this application are respectfully solicited.

I hereby certify that this correspondence is being transmitted by Facsimile to (571) 273-8300 addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Respectfully submitted,

Lawrence A Hoffman
Name of applicant, assignee or
Registered Representative

Signature
January 3, 2006
Date of Signature

LAH:


Lawrence A Hoffman
Registration No.: 22,436
OSTROLENK, FABER, GERB & SOFFEN, LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Telephone: (212) 382-0700